



WISCONSIN STATE SENATOR

# TERRY MOULTON



23<sup>RD</sup> SENATE DISTRICT

## Testimony on Senate Bill 228

Senate Natural Resources Committee Public Hearing

October 17, 2011

Senate Bill 228 is a common-sense proposal that will give responsible hunters and sport shooters in Wisconsin greater freedom to transport their firearms or bows. Quite simply, this bill allows hunters or shooting enthusiasts to have an unloaded gun, bow, or crossbow in their vehicle without it being in a case.

All too often in this state, otherwise law-abiding hunters pay a penalty for breaking a misapplied statute that is not only inconvenient but sometimes applied too aggressively. Most hunters know of someone who has been penalized by a warden for “having an uncased gun in or on a vehicle” when they do something simple like lean their rifle against a truck tire, reach into their truck to grab their gun case while holding a gun with the other hand, or lay a bow across the seat of an ATV. Being penalized for what should be common practices such as these not only deter people from hunting but gives Wisconsin a reputation nationally for having overly strict and unnecessary laws.

Current law requires that a gun or bow cannot be in-hand or touching the vehicle and therefore must also be laid on the ground. This bill recognizes that sport shooters should have the ability to lay their expensive firearms in a dry, clean truck or truck bed when at a range. Bow hunters should be able to ride an ATV to their stand without lugging their bow in a bulky case. Participants of a deer drive should be able to get picked up at the end of a hunt and ride back to camp without having to carry a case with them. A hunter or shooter shouldn't have to lay a case in the snow or mud every time they exit or re-enter their vehicle.

This practical legislation will make it easier for hunters and sport shooters to enjoy their sport while increasing Wisconsin's appeal to out-of-state residents. This will benefit our tourism industry and economy as a whole.

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**Department of Natural Resources**  
**TESTIMONY on Senate Bill 228**  
**By: Conservation Warden Thomas Van Haren**  
**October 17, 2011; 1:00pm**  
**Room 300SE, State Capitol**

Current law prohibits most people from having or transporting uncased or loaded firearms, or uncased strung bows and crossbows, in most vehicles. In most situations, this has been the law in Wisconsin for over 90 years.

There are a number of exceptions for certain individuals, such as for law enforcement officers, military and private security guards.

Over the years, there have been several additional exceptions created which allow loaded an/or uncased firearms in certain vehicles. One exception is for unloaded firearms on golf cart type vehicles used at sport shooting ranges located on private lands, when not being used for hunting. Another exception is for certain individuals with a disabled hunting permit to possess a loaded uncased firearm and to hunt & shoot from a stationary vehicle. The most recent exception is for handguns which effective Nov. 1 of this year may be loaded and uncased in any stationary or moving vehicles, except for commercial aircraft.

**Motor Vehicles:**

Under this bill, a person would be allowed to possess long guns such as rifles, shotguns and muzzleloaders in or on a vehicle in the following manner:

1. When a vehicle is in motion, long guns could be uncased, but must be unloaded.
2. When the vehicle is stationary, long guns could be both uncased and loaded.

Also, under this bill, uncased bows and crossbows could be possessed and transported in vehicles. However, Bows may not have an arrow nocked and a Crossbow may not be cocked, EVEN in when the vehicle is stationary.

**Boats:**

Under current law, Long guns possessed or transported in a motor boat while the motor is running must be unloaded; however they do not need to be cased. It is legal to have a loaded firearm in a boat when the motor is not running, and to shoot from a boat when the motor is not running. It is common for waterfowl hunters to hunt from stationary boat blinds in this manner.

Also under current law, Bows and Crossbows must be either unstrung or enclosed within a case when in a boat with the motor running.

There is an exception for bows and crossbows used for shooting or spearing rough fish.

Under this bill, a bow or crossbow could be strung and uncased in a boat while the motor is running and not stationary; however, the bow may not have an arrow nocked and a crossbow may not be cocked. The exception for shooting rough fish will remain in place.

## **Non-motorized Vehicles:**

For purposes of s. 167.31, Stats., a “**VEHICLE**” includes “every device in, upon, or by which any person or property is or may be transported or drawn upon a highway.” This is a broad definition, which includes devices such as bikes, hay wagons and other trailers. Hunters frequently ask if they can use a hay wagon loaded with bales, or a blind constructed on a trailer, for deer hunting. Typically the desire is to have a blind which resembles something which deer are accustomed to seeing in the field, and which is easy to move from one property to another, or from one part of a property to another.

While this bill would allow a hunter to have a loaded uncased rifle or shotgun on these stationary non-motorized devices, it will continue to be illegal to discharge any firearm, bow or crossbow from such devices, even when not connected to a motor vehicle.

The Conservation Congress through their annual spring meetings has asked our department to work with the legislature to obtain an exception in s. 167.31 to allow loaded uncased firearms and bows and the discharge of these weapons from a stationary non-motorized vehicle when being used for hunting. This bill could be used to accomplish that proposal.

At their April 2011 spring meetings, the public voted more than 2:1 in support of this proposed exception for non-motorized stationary vehicles used for hunting.

Question 65. With a vote of 2,967 in support and 1,361 opposed. Passing in 70 counties.

## **Definition of Unloaded for Muzzleloaders:**

Lastly, in recent years, a new type of muzzle-loader has been developed and is being marketed. It has a battery operated ELECTRONIC IGNITION system.

The problem that exists is that what it means to be UNLOADED for the purposes of a Cap Lock and Flint Lock muzzle-loading firearm is defined under the definition section of s. 167.31, but not for these new electronic ignition muzzleloaders. This bill could be used to also clarify that at a minimum, the battery must be removed. This way a person would not also be required to remove the ball and powder.

## **Suggested Amendments to SB 228**

167.31(1)(g) "Unloaded" means any of the following:

1. Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.
2. In the case of a cap lock muzzle-loading firearm, having the cap removed.
3. In the case of a flint lock muzzle-loading firearm, having the flashpan cleaned of powder.
4. In the case of an electronic ignition muzzle-loading firearm, having the battery removed.

167.31(4) Exceptions.

(i) Subsection (2) (b) and (c) does not apply to a person lawfully hunting from a stationary non-motorized vehicle which is not attached to any motorized vehicle.

This concludes my testimony, do you have any questions for me.